

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

James A. Simon,

Case No. 0:16-cv-1969-ADM-KMM

Petitioner,

v.

ORDER

L. LaRiva,

Respondent.

---

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Kate Menendez, dated August 3, 2016. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

1. James Simon's Petition (ECF 1) and Amended Petition (ECF 18) should be **DENIED**.
2. This action should be DISMISSED.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: August 22, 2016

s/Ann D. Montgomery

ANN D. MONTGOMERY

United States District Court Judge